HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 839 of 2005 (S/S)

Narendra Singh Negi
S/o late Shri Kripal Singh Negi
Presently posted as Asstt.
Uttaranchal Co-operative
Marketing Federation Ltd.
(On deputation), Dehradun .....Petitioner

Versus

1. State of U.P. through Secretary/
   Registrar Co-operative, Lucknow
2. U.P. Co-operative Federation Ltd.
   32 Station Road, Lucknow
   through its Managing Director
3. State of Uttaranchal
   trough Registrar Co-operatives
   Dehradun
4. Uttaranchal Co-operative Marketing
   Federation Ltd., Dehradun ....Respondents

Hon'ble J.C.S. Rawat, J.

Heard Sri Shobit Saharia learned counsel for the petitioner and Sri Parvesh Tripathi learned Standing Counsel.

This petition has been filed with the prayer to issue writ, order or direction in the nature of mandamus commanding the respondents to give promotion alongwith consequential benefits to the petitioner w.e.f. 31.12.1981 from the date when junior to the petitioner had been promoted and to issue a direction to the respondents to give promotion to the petitioner w.e.f. December 1995 in the pay scale of 5000-8000 on the basis of 14 years of continuous & satisfactory service. The petitioner has further prayed to issue a direction to the respondents to give promotion to the petitioner w.e.f. November 2002 in the pay scale of 6500-10500.

Brief facts of the case are that the petitioner is presently posted as Assistant in Uttaranchal Co-operative Marketing Federation Ltd. Dehradun, which

came into existence on the creation of State of Uttaranchal. The petitioner had opted for the State of Uttaranchal and he was sent on deputation to the newly created counter part of U.P. Co-operative Federation Ltd. i.e. Uttaranchal Co-operative Marketing Federation Ltd. The petitioner was initially appointed in the U.P. Co-operative Federation Ltd. in the year 1978 on the post of Junior Assistant in the pay scale of 200-5-250. Vide order dated 31.12.1981, 47 Junior Assistants were promoted to the post of Assistant in the pay scale of 470-735. Vide order dated 16.4.1982 seventeen junior assistants were promoted to the post of Assistant, in which junior to the petitioner namely Radhe Shyam, who was at serial no. 35 in the regularization order dated 31.1.1980, was promoted as Assistant. Vide order dated 24.11.1982 another 29 juniors assistants were promoted to the post of Assistants. However, Jagdev Singh Tomar, Sudhir Kumar, Om Prakash Tripathi, Lal Chand Shukla, Radhe Shyam Patel and others were junior to the petitioner. But, the case of the petitioner was not considered for promotion.

The petitioner has made the representation before the respondent No.2 on 02.04.2003 (Annexure-10 to this writ petition). Respondent No. 2 had not taken any action on the representation submitted by the petitioner till date. Thereafter, D.O. letter dated 19.8.2004 as well as 17.12.2004, the Addl. Registrar Co-operative, Uttaranchal/Managing Director, Uttaranchal Co-operative Marketing Federation Ltd. has also requested and recommended the promotion of the petitioner alongwith the consequential benefits including the fixation of salary at 6800/- basic. Even after the said D.O., no action has been taken by the respondent No. 2

In view of the above, the respondents are directed to dispose of the petitioner's representation dated 2.4.2003 with a reasoned order within a period of three weeks from the date of production of certified copy of this order.

The petition is disposed of accordingly.

(J.C.S. Rawat, J.)

dated 01.07.2005
LSR